

HOUSE BILL No. 1448

DIGEST OF INTRODUCED BILL

Citations Affected: IC 28-5-1-5; IC 28-5-3-2.

Synopsis: Financial institutions. Makes technical changes to provisions of the industrial loan and investment act.

Effective: July 1, 2003.

Whetstone

January 14, 2003, read first time and referred to Committee on Financial Institutions.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1448

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 28-5-1-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 5. ~~The capital stock of any company~~
3 ~~engaged~~ **(a) To engage** in business under ~~the provisions of~~ this chapter,
4 ~~shall be not less than a company must have capital stock of at least~~
5 fifty thousand dollars (\$50,000) ~~which said capital stock shall be fully~~
6 paid to the corporation in cash. ~~and~~
7 **(b) The capital stock of a company engaged in business under**
8 **this chapter** shall not at any time ~~thereafter~~ be voluntarily reduced
9 below the amount originally paid in.
10 ~~In the event the~~ **(c) If the** capital of any ~~such~~ company ~~should~~
11 **engaged in business under this chapter** for any reason ~~become~~
12 **becomes** impaired, the right to issue certificates of indebtedness or
13 investment as provided in this chapter shall ~~forthwith~~ **immediately** be
14 suspended until ~~said the~~ capital stock has been restored to the amount
15 originally paid in.
16 SECTION 2. IC 28-5-3-2, AS AMENDED BY P.L.134-2001,



SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2003]: Sec. 2. When, in case of any loan made by ~~any an~~
industrial loan and investment company organized under ~~the laws of~~
~~this state~~, **Indiana law**:

(1) the borrower or any other person furnishing security on behalf
of the borrower, ~~shall~~, as an inducement to ~~such the~~ industrial
loan and investment company to make the loan, ~~represent~~
represents to it, the industrial loan or investment company in
writing that he or she is **at least** eighteen (18) years of age or
~~older or otherwise make~~ **makes** any false statement or
representation to ~~any such the~~ industrial loan and investment
company; and

(2) ~~such the industrial loan and investment~~ company is
deceived, and the loan is made in reliance upon ~~such the~~
representation;

neither the person ~~so representing nor any one in his or her behalf who~~
made the representation nor any person otherwise legally liable to
pay ~~such the~~ loan ~~shall may~~ afterwards, ~~be allowed~~, as against ~~such the~~
industrial loan and investment company, ~~to~~ take advantage of the fact
that the person making the representation was under eighteen (18)
years of age, but ~~each person~~ shall be estopped by ~~such the~~
representation.

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